

Personal Assistance Services (PAS) Procedures Federal Maritime Commission

INTRODUCTION

The Federal Maritime Commission's (FMC or Commission) Office of Equal Employment Opportunity (OEEO) develops, manages and directs the Commission's affirmative employment planning; diversity; disability management and discrimination complaint processing programs. This office ensures that employees and applicants for employment are treated without regard to race, color, sex, age, religion, national origin, mental/physical disability, pregnancy, genetic information and sexual preference. This office is also responsible for implementing programs designed to enhance diversity in the hiring and advancement of women, minorities, disabled veterans, and all other disabled individuals.

The OEEO provides advice directly to the Acting Chairman and other agency leadership on issues that may arise regarding individuals with disabilities and reasonable accommodations. Additionally, the OEEO office ensures that the Commission adheres to the laws and regulations prohibiting all forms of discrimination in the workplace.

The OEEO office is responsible for processing all reasonable accommodations (RA) for all FMC employees as required by the law. Accommodations include accessible technology, associated training, sign language interpreters, assistive devices (accommodation solutions), and Personal Assistance Services (PAS).

PURPOSE

On January 3, 2017, the Equal Employment Opportunity Commission (EEOC) amended the regulations implementing Section 501 of the Rehabilitation Act of 1973; the law prohibits the federal government from discriminating in employment on the basis of disability and requires it to engage in affirmative action for people with disabilities. This amendment requires federal agencies to provide Personal Assistance Services to individuals who need them because of certain disabilities.

The OEEO has developed procedures for obtaining PAS for individuals with targeted disabilities on an as needed basis. PAS means assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation. It is important that the Commission adhere to the amended regulations to ensure compliance with the law.

The procedures outlined below will be used when a Commission employee makes a request for PAS. Requests for reasonable accommodation and PAS can be made simultaneously, but must be processed separately using appropriate procedures.

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PROCEDURES

INITIAL REQUEST

An employee's initial request for PAS can be made verbally or in writing to his or her first-line supervisor or the Reasonable Accommodation Coordinator (RAC) in the OEEO. If the RAC receives the request directly from the employee, the RAC will immediately inform the employee's first-line supervisor. Additionally, PAS can be requested on behalf of an individual with a targeted disability by a family member, partner, friend or medical professional.

When a request for PAS is made to the first-line supervisor, the request for PAS must be submitted to the RAC no later than three (3) business days of receipt of the initial request for processing. Requests for PAS, similar to RA, must be documented and included in an individual PAS request file; as are all RA requests.

The RAC will retain all documents related to the requests for PAS. The PAS file will be kept separate from an employee's personnel file and may be kept with an employee's RA file, if applicable.

Any information or documentation relating to an individual's request for PAS will be kept confidential and may be shared only with those involved in the PAS process on a need-to-know basis.

INTERACTIVE PROCESS

The interactive process is an informal discussion between the requestor, his or her first-line supervisor and the RAC. This discussion will determine whether or not the individual is entitled to receive PAS. The requirements to receive PAS are:

- the individual is a FMC employee;
- the individual has a targeted disability;
- the individual requires the services because of his or her targeted disability;
- the individual will be able to perform the essential functions of the job, without posing a direct threat to safety, once PAS and any required RA have been provided; and
- providing PAS will not impose an undue burden on the Commission.

If the employee is entitled to receive PAS, the interactive process continues to determine throughout employment the appropriate services needed based on the employee's need for assistance.

Continual dialogue between all parties is necessary to ensure that the process and the solution is effective for the employee. If a delay occurs while processing the PAS request, the RAC will notify the employee of the reason for the delay. The RAC is responsible for providing updates to the employee as to when the PAS process is expected to conclude.

If you have any questions and/or concerns, please contact the OEEO at 202.523.5859 or EEO@fmc.gov.